IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 2396 OF 2006

Shri. Prakash Khanderao Ghadge ..... Applicants

and ors.

Versus

The State of Maharashtra ..... Respondent

Mr. M.S. Karnik, Advocate for the Applicant

Mr. S.S. Pednekar, APP for the Respondent

WITH

CRIMINAL APPLICATION NO. 2398 OF 2006

Kailash Yashwant Pingale & Ors. ..... Applicants

Versus

The State of Maharashtra ..... Respondent

Mr. Rameshwar Gite, Adv. for the applicants.

Mr. K.V. Saste, APP for the State

WITH

CRIMINAL APPLICATION NO. 2399 OF 2006

Suresh Murlidhar Kakad & Ors. .... Applicants

Versus

The State of Maharashtra .... Respondent

Mr. Rameshwar Gite, Adv. for the applicant.
Mr. Y.S. Shinde, APP for the State

WITH

CRIMINAL APPLICATION NO.2416 OF 2006

Smt.Kusumatai Raghunath Pingale .... Applicants
& Ors.

Versus

The State of Maharashtra

Mr. R.S. Ghadge, Advocate for the applicants.
Mr. Y.S. Shinde, APP for the State.

WITH

CRIMINAL APPLICATION NO. 2419 OF 2006

Narayan K. Kakad & Ors. .... Applicants

Versus

The State of Maharashtra .... Respondents

Mr. R.V. More, Advocate for the applicants.
Mr. K.V. Saste, APP for the State.

CORAM : R.S. MOHITE, J.
DATE : 26TH JUNE, 2006

P.C.

. Since aforesaid applications are pertaining to same C.R. No. 197 of 2006 registered by Panchavati Police Station at Nasik, all are being disposed of by this common order. The several applicants in these applications are seeking anticipatory bail. The prosecution case is that applicant Nos. 1 and 2 in Criminal Application no. 2398 of 2006 obtained a loan from the Makhmalabad Vividh Karyakari Seva Society on the strength of forged 7/12 extracts in respect of land of which they were not owners. The Police have recorded the statement of Talathi who has disowned his signature from the said documents. The original 7/12 extract in respect of the said land which was mortgaged for obtaining the loan is also seized by the Police and it indicates that the owners of the said land were some other persons. The applicants in Criminal Application Nos. 2396 of 2006, 2399 of 2006, 2416 of 2006 and 2419 of 2006 are the 17 Directors of the said Society. The applicant no. 3 in Criminal Application No. 2398 of 2006 is Bank Inspector of Nasik District Central Co-operative Bank and applicant No. 4 in Criminal Application no. 2398 of 2006 is the Secretary of aforesaid Society. The forged documents have already been taken into custody during the investigation and the statement of Talathi is already recorded. Admittedly the borrowers have repaid the full amount with interest due to the Society. This amount however

has been returned after the FIR was lodged. Taking into account the overall facts of these cases, I think that the investigation can proceed without custody of the Directors, Bank Inspector and the Secretary of the Society. As far as borrowers are concerned, I am not inclined to grant anticipatory bail as custodial interrogation will be required in order to find out how exactly the said document was prepared. In the circumstances, in the event of their arrest in C.R. No. 190 of 2006, the applicants in Criminal Application Nos. 2396 of 2006, 2399 of 2006, 2416 of 2006 and 2419 of 2006 as well as the applicant Nos. 3 and 4 in Criminal Application No. 2398 of 2006 will be released on bail in the sum of Rs.10,000/- each with one surety each in like amount subject to the condition that they will report to the Investigating Officer, at Panchavati Police Station once a week on every Monday till the chargesheet is filed and thereafter as and when required by the I.O. The application of applicant Nos. 1 and 2 in Criminal Application No. 2398 of 2006 i.e. Kailas Pingale and Sanjay Pingale are rejected. The applications of other two applicants i.e. Vasant Pawar and Gopichand Pathade in Criminal Application No. 2398 of 2006 is allowed in aforesaid terms. So also the application Nos. 2396 of 2006, 2399 of 2006, 2416 of 2006 and 2419 of 2006 also stands allowed in the aforesaid terms. All applications are disposed off. Criminal Application Nos. 2419 of 2006 and 2416 of 2006 were not on board, but the papers were called for

as the connected matters were on board and pertained to the same crime.

(R.S. MOHITE, J.)